

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

UNITED STATES OF AMERICA

v.

GRANT ALLEN BOYD

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File No. 1:01-CR-35

ORDER

The Magistrate Judge's Report and Recommendation was filed June 4, 2008. (Paper 64.) After de novo review and over objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1).

Construing Grant Allen Boyd's motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255 (Paper 40) as a non-habeas, post-conviction filing, the motion is DENIED as meritless. His motion to amend (Paper 43) is DENIED as moot. His motion for summary judgment (Paper 44) and motion for default judgment (Paper 52) are DENIED.

It is further certified that any appeal taken in forma pauperis from this Order would not be taken in good faith because such an appeal would be frivolous. See 28 U.S.C. § 1915(a).

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 14th day of August, 2008.

/s/ J. Garvan Murtha

J. Garvan Murtha
United States District Judge